

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HELEN RUNGE,

Plaintiff,

v.

WALTER J. KELLEY; KERRY L.
BLOOMINGDALE, M.D.; and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants.

Civil Action No. 05-10849-RGS

**RESPONSE of DEFENDANTS MEDIPLEX OF
MASSACHUSETTS, INC. to the MOTION of DEFENDANT KELLY
to COMPEL the PLAINTIFF to SUBMIT to a MENTAL EXAMINATION**

Defendant Mediplex of Massachusetts, Inc. agrees with the reasoning of Defendant Kelly in seeking a mental examination of the Plaintiff. The Plaintiff's claim against Mediplex includes the allegation that it subjected her to unnecessary medication. This medication had been proscribed to address the Plaintiff's mental health issues. The Plaintiff also alleges that Mediplex inappropriately obeyed the directions of her health care proxy. This claim is based on the premise that the Plaintiff was sufficiently competent to make her own health care decisions.

Having placed her mental capacity directly at issue, an examination is appropriate. Additionally, Helen Runge has filed this action in her own name. Her capacity to proceed as a party is very much in question given the medical history filed in support of Kelly's motion [Docket entry #53] and the refusal of the Plaintiff to sign her interrogatory responses. The Defendants should be permitted to discovery if the Plaintiff possesses the capacity to participate in this action. See Rule 17(c) of the Federal Rules of Civil Procedure.

Respectfully submitted,

**Mediplex of Massachusetts, Inc. d/b/a
SunBridge Care and Rehabilitation for
Randolph**

by its attorneys,

/s/ Michael Williams

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CERTIFICATE OF SERVICE

I hereby certify that this Document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 13, 2006.

/s/ Michael Williams